

Newgard describes the self-occluding intravascular cannula assembly of Fig. 3 as including a hub 38 with an open bore 42, a cannula 30 mounted in the hub 38 and a obturator member 48. As described, the obturator member 48 is disposed within the hub 38 and, particularly, is mounted on a conical dilator projection 52 of the hub 38. (See column 6, lines 62-65).

Claim 1 is directed to a bloodless catheter comprising "a first hub having a bore ...; a cannula fixed in and extending from ... said bore ...; and a septum seal mounted in said bore of said hub in circumferentially sealed relation to prevent a flow of fluid from said cannula to said proximal end of said hub ...". Newgard does not describe or teach such a structure. Specifically, the obturator member 48 of Newgard is not in "circumferentially sealed relation" to the bore 42 of the hub 38. Instead, the obturator member 48 is mounted on the projection 52 of the hub. As can be seen in each of Figs. 2 and 3, there is a circumferential gap between the obturator member 48 and the wall of the bore 42 of the hub 38. If, for example, the obturator member 48 were to slip off the projection 52 (e.g. by moving to the right as viewed in Fig. 3) a flow path would exist between the lumen 32 and the bore 42 of the hub 38.

In view of the above, a rejection of claim 1 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claims 2 to 18 depend from claim 1 and are believed to be allowable for similar reasons.

Claim 3 further requires the weakened central section of the septum seal to have "a slit" to define a valve. In Newgard, the obturator member 48 has a pinhole aperture 62 between two opposing conical notches 80, 82. This aperture 62 does not constitute

a slit or a valve. As described in Newgard, so long as the elastomeric material of the obturator member 48 remains fully relaxed and unstretched, the small aperture 62 will be closed sufficiently to prevent the flow of fluid therethrough within the range of intravascular pressures encountered. When, however the elastic material of the obturator 48 is stretched outwardly toward the periphery of the disc, the aperture 62 will become dilated or opened up. Such opening of the aperture 62 effectively relieves the occlusion of the cannula lumen 32 and permits fluid flow therethrough. There is no teaching of a valve. Accordingly, a rejection of claim 3 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 4 depends from claim 1 and requires the septum seal to be "slidably mounted in said bore". Newgard does not describe or teach such a structure. Specifically, the obturator member 48 is mounted on the projection 52 and is not slidably mounted in the bore 42 of the hub 38. Accordingly, a rejection of claim 4 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 5 further requires the septum seal to be mounted "at one end of said bore with a face thereof exposed for swabbing". Newgard is clearly void of any such teaching. Accordingly, a rejection of claim 5 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 8 depends from claims 1, 6 and 7 and requires the septum seal to have "a tubular portion receiving said tube in a stretch-fit manner and a centrally disposed slit". Newgard is void of any such structure. As can be seen in Fig. 3 of Newgard, the obturator member 48 does not have a tubular portion receiving a tube that extends into

the cannula 30. Accordingly, a rejection of claim 8 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 9 depends from claim 7 and further recites "second means from moving said seal over said tube to cause said tube to pass through said weakened section of said seal". Newgard is void of any such structure. Accordingly, a rejection of claim 9 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 10 depends from claim 6 and is specifically directed to the embodiment of Figs. 7 to 10 which employ "a piercing ring mounted on said seal...". Clearly, Newgard is void of any such structure. Accordingly, a rejection of claim 10 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claims 11 and 12 depend from claim 10 and are believed to be allowable for similar reasons.

Claim 13 depends from claim 6 and further requires "second means for moving said first means relative to said seal". Newgard is void of any such structure or teaching. Accordingly, a rejection of claim 13 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 14 depends from claim 13 and is believed to be allowable for similar reasons.

Claim 15 depends from claim 1 and further requires "a needle hub telescopically mounted in said bore of said first hub and introducing an intruder, needle fixed in said needle hub and extending through said seal in sealed relation and through said cannula." Newgard is clearly void of any such structure or teaching. Accordingly, a

rejection of claim 15 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 19 contains recitations similar to claim 1 and is believed to be allowable for similar reasons.

Claim 19 further requires "a first hub having a bore ... a cannula fixed in and extending from ... said hub, a septum seal mounted in said bore ... in circumferentially sealed relation ... and a tube mounted in said seal in sealed relation and extending into said cannula". Newgard is void of any such structure. Specifically, the obturator member 48 of Newgard is not circumferentially sealed to the bore 42 of the hub 38 and there is no teaching of a tube mounted in the obturator 48. Note in this latter respect that the introducer needle 60 is part of the male luer adaptor 62.

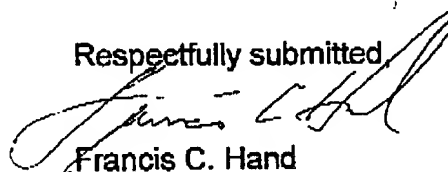
In view of the above, a rejection of claim 19 as being anticipated by Newgard is not warranted pursuant to the provisions of 35 USC 102.

Claim 20 is specifically directed to an embodiment as illustrated in Figs. 7 to 10 employing a piercing ring. Clearly, Newgard is void of any such structure. Further, claim 20 contains recitations similar to claim 1 and is believed to be allowable for reasons as expressed above.

The remaining references have been reviewed; however, none is believed to be further pertinent to the claimed structure taken alone or in combination.

The application is believed to be in condition for allowance and such is respectfully requested.

Respectfully submitted



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